

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 2936-0279PUS1						
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature_____</p> <p>Typed or printed name_____</p>		<table border="1"> <tr> <td>Application Number 10/584,750</td> <td>Filed June 27, 2006</td> </tr> <tr> <td colspan="2">First Named Inventor Fuminori KANEKO</td> </tr> <tr> <td>Art Unit 3749</td> <td>Examiner A. SAVANI</td> </tr> </table>	Application Number 10/584,750	Filed June 27, 2006	First Named Inventor Fuminori KANEKO		Art Unit 3749	Examiner A. SAVANI
Application Number 10/584,750	Filed June 27, 2006							
First Named Inventor Fuminori KANEKO								
Art Unit 3749	Examiner A. SAVANI							
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>								
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/95)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>39491</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		 <p>Signature Michael R. Cammarata</p> <p>Typed or printed name 703-205-8000 Telephone number December 29, 2010 Date</p>						
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>								

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Fuminori KANEKO et al.

Application No.: 10/584,750

Confirmation No.: 7748

Filed: June 27, 2006

Art Unit: 3749

For: HEAT-COOKING APPARATUS

Examiner: A. SAVANI

ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF REVIEW

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

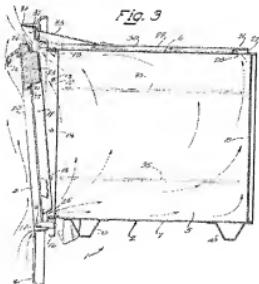
Argument 1 of 2: Features of claims 1, 14, 18, and 20-22 not disclosed by cited prior art

Independent claim 1 recites, *inter alia*, “a door which is pivotably hinged in a bottom part or top part of a casing for housing the heating chamber and with which the opening is opened and closed;...a blowing unit that blows air so that the air passes the opening sideways and parallel to a rotation axis of the door when the door is opened, and the blowing unit blowing the air only across a part of the opening above a center thereof.” *Emphasis added.*

The Examiner acknowledges that Lubrina fails to disclose the claimed feature of “a blowing unit that blows air so that the air passes the opening sideways and parallel to a rotation axis of the door when the door is opened, and the blowing unit blowing the air only across a part of the opening above a center thereof.” (See Final Office Action, page 3, section 4, lines 8-9.) Thus, the Examiner relies on Hupp for allegedly disclosing the above said claimed feature.

However, Hupp fails to disclose “a blowing unit that blows air so that the air passes the opening sideways and parallel to a rotation axis of the door when the door is opened, and the blowing unit blowing the air only across a part of the opening above a center thereof.” In other words, Hupp fails to disclose or suggests anything about a construction in which the pivot axis of the door is parallel to the direction of air blow.

More specifically, the Examiner relies on Figure 3 of Hupp for illustrating air circulating in the oven:



First of all, Hupp fails to disclose that air is *blown* so that the air passes the opening *sideways and parallel* to a rotation axis of the door. Hupp merely illustrates that air enters the oven and in a circular fashion. Therefore, the air is *not* blown so that the air passes in a sideways and parallel fashion. Thus, Hupp fails to explicitly disclose the claimed feature of “blows air so that the air passes the opening *sideways and parallel* to a rotation axis of the door when the door is opened.”

Second, because the Examiner is merely relying on Hupp for coincidentally illustrating air flow, Hupp fails to disclose “a blowing unit” that blows air. As stated above, air merely enters the oven when the door opens. us, Hupp fails to explicitly disclose the claimed feature of “*a blowing unit that blows air* so that the air passes the opening sideways and parallel to a rotation axis of the door when the door is opened, and *the blowing unit blowing the air only across a part of the opening above a center thereof.*”

Third, because there is no actual blowing unit in Hupp, Hupp fails to disclose that air is blown *only* across a part of the opening. Thus, the claimed invention requires that air is blown across a portion of the opening, not the entire opening as illustrated by Hupp.

Therefore, Hupp fails to explicitly disclose “a blowing unit that blows air so that the air passes the opening sideways and parallel to a rotation axis of the door when the door is opened, and the blowing unit blowing the air only across a part of the opening above a center thereof.”

Further, in Hupp, as shown in Figure 3, a gap 25 is formed below the door 4. The aim is to take in air into the heating chamber 2 during or after heating. (See Hubb, col. 2, lines 34-38.) When the door 4 is opened, air passes through the gap 25 into the heating chamber 2, then passes

from a rear part inside the heating chamber 2 through an opening 28 in the ceiling face of the heating chamber 2 into a duct 29, through which the air is eventually discharged frontward though an exhaust port 32. When the door 4 is opened, another gap also appears between the top end of the door 4 and the front panel 3, and thus the air inside the heating chamber 2 is discharged frontward through this gap as well. These flows of air cool down the interior of the heating chamber 2. (See Hubb, col. 3, lines 11-42.)

The flows of air that occur when the door 4 is opened are, as indicated by arrows in Figure 3, all perpendicular to the pivot axis of the door 4. Specifically, in Figure 3, the pivot axis of the door 4 runs through the hinge pin 18 (see Hubb, col. 2, lines 20-25), and this hinge pin extends in the direction perpendicular to the plane of Figure 3. Thus, the flows of air in Figure 3 are such that “the pivot axis (hinge pin) of the door is perpendicular to the direction of air blow,” and not such that the pivot axis of the door is parallel to the direction of air blow as in the claimed invention.

Accordingly, combining Lubrina with Hupp would not lead a person skilled in the art to conceive the heat-cooking apparatus of the claimed invention in which the pivot axis of the door is parallel to the direction of air blow.

In addition to the above remarks, the Examiner should note that Hubb fails to disclose the claimed invention for at least the following two main points, Hupp merely discloses that:

- i. The pivot axis of the door runs through the hinge pin, and is thus perpendicular to the plane of Figure 3; and
- ii. In Figure 3, the direction of air blow is perpendicular to, and not parallel to, the hinge pin.

Lastly, the vertically openable door provides numerous benefits. For example, blowing cooling air onto a vertically openable door parallel to the opening permits, when the door is opened, the blown cooling air to shield the steam inside the heating chamber without hitting the door. This prevents steam from flowing toward the user as in Hupp. Also prevented is the disturbance of air flow as occurs in conventional steam cookers which results from air blown from top downward hitting the door and causes steam to flow toward the user. Thus, it is possible to ensure that, when the door is opened, steam does not flow out of the heating chamber toward the user.

In the Advisory Action, the Examiner asserts that while “Hupp does not teach a blower, air is blown in the oven due to pressure differentials causing a suction force as is illustrated in the

figure [3] of Hupp.” (See Advisory Action, page 2, section 2.) Further, the Examiner states that “Hupp shows that air will enter from a top portion of the oven and from a lower part of the oven for cooling implying a sideways and parallel flow.” (See Advisory Action, page 2, section 2.) Assuming *arguendo* that the air in the Hupp’s oven flows sideways and parallel in some manner (the record should show that Applicants do not agree with the Examiner’s statement that the air flow is “sideways and parallel”), Hupp’s air flow does not flow in a manner which is sideways and parallel *in relation to the rotational axis of the door*.

Therefore, independent claim 1 is submitted to be allowable over Lubrina and Hupp for at least the above reasons. Independent claims 14, 18, and 20-22 are allowable for similar reasons as set forth above in reference to independent claim 1. Dependent claims 2-13, 15-17, 19, and 23 are allowable for the reasons set forth above with regards to claims 1, 14, 18, and 22 at least based on their dependency on claim 1, 14, 18, and 22.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-23 under 35 U.S.C. § 103(a). Reconsideration and allowance of claims 1-23 are respectfully requested for at least the above reasons.

Argument 2 of 2: Features of claims 6-7 not disclosed by cited prior art

Dependent claim 6 recites, *inter alia*, “the blowing unit has a cooling fan for cooling a power supply circuit board provided inside the apparatus, and the blowing unit blows, air sucked in from outside the apparatus by the cooling fan so that air passes the opening sideways.” Dependent claim 7 recites, *inter alia*, “the blowing unit includes a deflecting unit that deflects the air sucked in by the cooling fan to blow the air so that air passes the opening sideways.”

The Examiner relies on Han for allegedly disclosing the features of dependent claims 6-7. Han discloses a microwave oven in which outside air is introduced into it by a cooling fan to cool a circuit board inside. (See Han, column 4, lines 9-21). However, in Han, the cooling fan is used exclusively to cool the circuit board. That is, what Han discloses is not a construction in which air sucked in by a cooling fan is also used to blow air across the opening, much less a construction in which air sucked in by a cooling fan is deflected to be directed across the opening. Thus, Han fails to disclose the claimed invention of dependent claims 6-7. Lubrina and Chandler fail to make up for the deficiencies of Han.

In the Advisory Action, the Examiner asserts that “Han was cited to show the use of a fan for cooling of a circuit board and Chandler is used for the teaching of a conventional cooling fan

for use in cooling the oven cavity. For these reasons, the applicant's remarks are not persuasive, and the previous ground of rejection will be maintained." (See Advisory Action, page 3, section 3.) Assuming *arguendo* that

Han uses of a fan for cooling a circuit board and Chandler discloses a conventional cooling fan the oven cavity, no prior art discloses that a blowing unit that has a cooling fan for cooling a power supply circuit board provided inside the apparatus, and the blowing unit blows, air sucked in from outside the apparatus by the cooling fan so that air passes the opening sideways.

Therefore, dependent claims 6-7 are submitted to be allowable over Lubrina, Chandler, and Han for at least the above reasons. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 6-7 under 35 U.S.C. § 103(a). Reconsideration and allowance of claims 6-7 are respectfully requested for at least the above reasons.

Conclusion

In view of the above remarks, it is believed that the pending application is in condition for allowance. Applicants respectfully request that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh (Reg. No. 62,278) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Dated: December 29, 2010

Respectfully submitted,

By 
Michael R. Cammarata
Registration No.: 39491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000